

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: :
Examiner :
In re application of :
Daudet et al. : JOIST SUPPORT APPARATUS
Serial No. [To Be Assigned] :
Filed: :

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

June 23, 2003

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-referenced application (the "subject application") is a continuation of U.S. Patent Application Serial No. 10/145,471, filed May 14, 2002 (the "parent application"), which is a continuation of U.S. Patent Application Serial No. 09/723,899, filed November 28, 2000 (the "grandparent application") which is a continuation of U.S. Patent Application Serial No. 09/199,661, filed November 25, 1998 (the "great grandparent application"). The subject application claims priority from the parent, grandparent and great grandparent applications.

The great grandparent application has issued as U.S. Patent No. 6,301,854.

The grandparent application remains pending. A Notice of Allowance issued on May 21, 2003 in connection with the grandparent application. Applicant is filing on even date hereof a Request For Continued Examination ("RCE") of the grandparent application to have an Information Disclosure Statement considered which cites U.S. Patent No. 6,418,694 to Daudet et al. (the "'694 patent") which matured from U.S. Patent Application Serial No. 09/944,671 and which is a divisional application of the grandparent application. The grandparent application is before Primary Examiner Chilcot, Jr. of Art Unit No. 3627. A copy of the text of the allowed claims and a copy of page 2 of a Notice of Allowance for the grandparent application are also enclosed.

The parent application remains pending. A Notice of Allowance issued in connection with the parent application on March 25, 2003. Applicant is filing on even date hereof an RCE of the parent application to have an Information Disclosure Statement considered which cites the '694 patent.

In accordance with the duty of disclosure pursuant to 37 C.F.R. § 1.56, Applicant hereby advises the United States Patent and Trademark Office ("PTO") of the references listed on the accompanying Form PTO-1449 *Information Disclosure Statement By Applicant* -Substitute for form 1449A/PTO. With the exception of the '694 patent, the references cited therein were of record in the parent and/or grandparent and/or great grandparent applications. Accordingly, pursuant to 37 C.F.R. § 1.98(d), Applicant is enclosing a copy of the '694 patent and a copy of the published parent application and is not required to enclose copies of the other references. If, however, the Examiner would like to obtain additional copies of

such references, Applicant will promptly supply such copies upon the Examiner's request.

Applicant also informs the PTO of the following:

Related Litigation

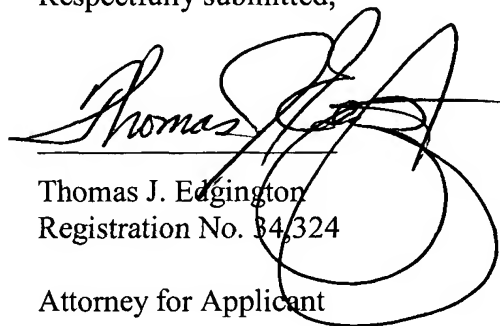
On April 5, 1999, Steel Floors, LLC of 7935 E. Prentice Avenue, Suite 103, Greenwood Village, Colorado 80111 (hereinafter "Steel Floors") filed a complaint in District Court, Denver County, Colorado (Civil Action No. 99CV2248) that contained various unfair competition, misappropriation of business value, and unjust enrichment claims against Dietrich Industries, Inc., Assignee of the parent, grandparent, great grandparent and the parent and the subject applications.¹ Applicant submitted a copy of that Complaint in connection with the grandparent application. On September 28, 1999, the PTO issued U.S. Patent No. 5,956,916 to George Louis Liss (hereinafter the "Liss Utility Patent"). On September 29, 1999, Steel Floors filed a Verified Amended and Restated Complaint, wherein Steel Floors added a claim of patent infringement based on the Liss Utility Patent. A copy of the Verified and Amended and Restated Complaint was filed in connection with the parent application. Since then, Steel Floors has further amended its complaint to assert infringement of U.S. Patent No. DE – 423,325, issued April 25, 2000 (the "Liss Design Patent").

On September 5, 2000, Steel Floor's filed a request for reexamination of the Liss Utility Patent. That request was subsequently granted and merged with another request for reexamination filed by Applicant on April 2, 2001. On February 21, 2001, the above-mentioned litigation was stayed pending the outcome of the reexamination proceedings which presently remain pending.

Applicant notes that although the cited references may be relevant to the

examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to the patentability as defined in § 1.56(b)."

Respectfully submitted,



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Fax: (412) 355-6501

¹ Dietrich Industries, Inc. is referred to herein as "Applicant".

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number		
			Filing Date		
			First Named Inventor		
			Art Unit		
			Ponko et al.		
			Examiner Name		
Sheet	1	of	6	Attorney Docket Number	
				98356CONCONCON	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US 2002/0134036 A1	9/2002	Daudet et al.	
		D423,325	4/2000	Liss	
		741,066	10/1903	O'Shea	
		947,514	1/1910	Stevens	
		1,656,741	1/1928	Lane	
		1,682,202	8/1928	Vaughn	
		2,106,084	1/1938	Coddington	
		2,145,407	1/1939	Soule	
		2,185,475	1/1940	Rafter	
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		2,964,807	12/1960	Kennedy	
		2,966,708	1/1961	Freeman, Jr.	
		3,010,162	11/1961	Klein	
		3,083,794	4/1963	Stoval, Jr.	
		3,201,874	8/1965	Christy	
		3,668,828	6/1972	Nicholas et al.	
		3,685,866	8/1972	Patenaude	
		3,717,964	2/1973	Brown et al.	
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		3,818,662	6/1974	DeSchutter	
		3,845,601	11/1974	Kostecky	
		3,854,192	12/1974	O'Konski	
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		3,908,328	9/1975	Nelsson	
		3,973,367	8/1976	Johnson et al.	
		4,002,001	1/1977	Uydess	
		4,016,700	4/1977	Blomstedt	
		4,042,991	8/1977	Macy et al.	
		4,047,348	9/1977	McSweeney	
		4,058,941	11/1977	Zakrewski et al.	
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		4,075,810	2/1978	Zakrewski et al.	
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		4,197,952	4/1980	DeFouw et al.	
		4,229,915	10/1980	Snow et al.	
		4,246,736	1/1981	Kovar et al.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number - Kind Code ² (if known)			
		4,288,958	9/1981	Chalmers et al.	
		4,385,476	5/1983	Slager	
		4,490,956	1/1985	Palacio et al.	
		4,538,391	9/1985	Skrabis et al.	
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		4,625,948	12/1986	Lustvee	
		4,637,195	1/1987	Davis	
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		4,761,928	8/1988	Pichette	
		4,793,113	12/1988	Bodnar	
		4,827,681	5/1989	Platt	
		4,866,899	9/1989	Houser	
		4,894,967	1/1990	Morton	
		4,909,007	3/1990	Bodnar	
		4,912,894	4/1990	Platt	
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		5,137,390	8/1992	Felsen	
		5,149,221	9/1992	Slapsys	
		5,157,883	10/1992	Meyer	
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		5,274,973	1/1994	Liang	
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		5,412,919	5/1995	Pellock et al.	
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		5,527,625	6/1996	Bodnar	
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		5,657,596	8/1997	Powers, III	
		5,664,392	9/1997	Mucha	
		5,671,580	9/1997	Chu	
		5,687,538	11/1997	Frobosilo et al.	
		5,689,922	11/1997	Daudet	
		5,857,306	1/1999	Pellock	
		5,870,874	2/1999	Brothers	

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		Number - Kind Code ² (if known)			
		5,956,916	9/1999	Liss	
		5,964,071	10/1999	Sato	
		6,131,358	10/2000	Wise	
		6,170,217	1/2001	Meyer	
		6,230,467	5/2001	Leek	
		6,301,854	10/2001	Daudet et al.	
		6,354,055	3/2002	Shaw et al.	
		6,418,694	7/2002	Daudet et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		JP 9-4067	1/1997			
		CA 2,077,170	8/1992			
		CA 1055219	5/1979			
		AU 23961/77	12/1978			
		AU 24938/71	Date unclear			
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		UK 2272715	5/1994			
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		EPO 0080088	6/1983			

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NON PATENT LITERATURE DOCUMENTS			
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		Marino Industries Corporation; <i>Stud-Rite Lightweight Steel Framing</i> , 1982, p. 12, Westbury, NY	
		Zinc Institute Inc., <i>Residential Steel Frame Construction, Builder's Guide to Lightweight Zinc-Coated Steel</i> , 1982, New York, NY	
		Dale//Incor, <i>Manufacturer of Steel Framing Systems</i> , 1989, p. 1-36, Pewaukee, WI	
		Dietrich Industris, Inc., <i>Light Gage Steel Framing Typical Construction Details</i> , 10/94, 1-33, Pittsburgh, PA	
		Unimast Incorporated, <i>Steel Framing Systems Technical Information</i> , 1991, 1-40, Franklin, IL	
		American Society of Civil Engineers, <i>Composite Construction in Steel and Concrete II</i> , 12/9/1993, p. 882-899, New York, NY	
		Construction Steel Design, <i>Hollow Section Column to Open Section Beam Connections – Design Appraisal</i> , 106-214, 1992, England	
		American Iron and Steel Institute, <i>Low-Rise Residential Construction Details</i> , June, 1993, Washington, DC	
		E. N. Lorre, <i>Residential Steel Framing Construction Guide</i> , 1993, Laguna Hills, CA	
		Delta Metal Products, Inc., <i>Residential Steel Frame Construction</i> , June, 1994, 1-13	

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		MarinoWare, <i>Stud-Rite Lightweight Steel Framing Systems</i> , 1-35, 1994, Hunt Valley, MD	
		Dietrich Industries, Inc., <i>Curtain Wall/Light Gage Structural Framing Products</i> , 1-16, 1995, Pittsburgh, PA	
		U.S. Department of Housing and Urban Development, <i>Prescriptive Method for Residential Cold-Formed Steel Framing Second Edition</i> , p. 1-93, September, 1997, Rockville, MD 20849	
		Monex Corporation; <i>Monex Steel Framing</i> , Publication date unknown, North Miami Beach, FL	
		National Gypsum Company, <i>Gold Bond Metal Products for Interior Finishing</i> , September 1981, Charlotte, NC	
		Angles Metal Systems, Technical Data Sheets 101, 102, 107, 108, 113, 114, 115, 116, 117, 118, 119, and 120; 1984, Los Angeles, CA	
		Angles Metal Systems, Inc.; <i>Steel Frame Program</i> ; publication date unknown	
		Clark Steel Framing Systems, <i>Clark Structural Framing</i> ; 1995	
		Cemco, <i>Steel Framing Systems</i> , 1996, Industry, CA	
		USG Interiors, Inc., <i>Ceiling Suspension Systems</i> , January, 1991, Chicago, IL	
		G-P Gypsum Corporation, <i>Gyproc Shaftwall/Stairwall Systems</i> , March, 1997, USA	
		Steel Floors LLC, <i>Monthly New Letter</i> , October, 1998, Greenwood Village, CO	

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		Steel Floors LLC, <i>Monthly New Letter</i> , June, 1998, Greenwood Village, CO	
		Steel Floors LLC, <i>Monthly New Letter</i> , February, 1998, Denver, CO	
		Steel Floors LLC, Brochure – <i>Why Steel Floors</i> , Publication date unknown	
		Steel Floors LLC, <i>Monthly News Letter</i> , November, 1997, Denver, CO	
		Sullivan, Steel Framing: <i>Thermally Challenged</i> , JLC, March 1994	
		Dietrich Industries, Inc., a portion of a brochure published concerning J-Track, published at least as early as December 1991, Page 2, Pittsburgh, PA	
		Dietrich Industries, Inc., <i>1st Step to Residential Metal Framing (non-load Bearing Walls)</i> , June, 1994, Pittsburgh, PA	
		NAHB, Homebase News, Spring 1999, Upper Marlboro, MD	
		Response to Patent Owner's Statement in Reexamination Control No. 90/005,970	

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